

REMARKS

The Office Action mailed March 20, 2008 has been received and its contents carefully considered. Reconsideration and withdrawal of the outstanding rejections are respectfully requested in view of the following remarks.

Claims 1-7 and 10-13 are pending in this application. Claims 8, 9, 14 and 15 are cancelled, and claim 13 is amended to overcome the Examiner's objection of an insufficient antecedent basis.

Turning first to the objection to the drawings, replacement sheets of all the Figures are submitted herewith. No new matter is introduced.

It is believed the cancellation of claims 9, 14 and 15 and the submission of new drawings address any remaining issues under section 112. In regard to the novelty objection based on DE 1138334 (DE Fuss '334), the Office Action indicates that the objections to the specification and to claims 1, 4, 5, 7 and 12 are withdrawn. Yet it is argued that the features of claims 12-25 are allegedly anticipated by DE Fuss '334. Applicants submit the following remarks.

According to item 14 of the Office Action, the Examiner contends that the elements 16 and 27 of the door opener of DE Fuss '334 equal the ejector of the present invention. As stated in our previous response, spring 16 (Feder 16) is supposed to bring the lock catch counterpart into its locking position, yet the spring 16 only presses against the back side of the lock catch counterpart (Schliesteil 12) to bring the lock catch counterpart back in its locking position after an opening of the door as shown in FIG. 4. The spring 16 is completely unable to eject the lock catch 10 out of the lock catch counterpart 12.

The sensing bolt 27 on the other hand is response to sense, if the lock catch is in contact

with the lock catch counterpart or not. For this reason, the spring 28 of the sensing bolt 27, as stated in column 4, lines 18-24 of DE '334, is weaker than the spring of the lock catch (not shown in the figures) that presses the lock catch towards the lock catch counterpart. Thus, it is completely impossible that the sensing bolt 27 ejects the lock catch out of the lock catch counterpart. In fact, the lock catch presses the sensing bolt into the lock catch counterpart which is opposite to the idea of the ejector of the invention to incorporate an ejector into a door opener that pushes the lock catch out of the lock catch counterpart. Furthermore, as shown in FIGS. 1 and 2, the spring 28 of the sensing bolt 27 is coupled at its back side to the changer (Zuhaltehebel 14). In the locked position of the door opener in FIG. 1, the changer is pivoted to the right side and thus compresses the spring 28. If the locking mechanism of the door opener is released (as shown in FIG. 2), the changer is slightly moved to the left side due to the spring 31 (Ruckhalteorgan 31). Yet, in both positions the sensing bolt and its spring, respectively, are pressed to the inside of the door opener by the lock catch 10. It is therefore apparent that the force of the spring 28 is by far not sufficient to eject the lock catch.

Accordingly, neither the spring 16 nor the sensing bolt 27 are able to eject a lock catch from the lock catch counterpart. Neither an ejector nor something similar to an ejector is disclosed in DE Fuss '334. It is the central idea of the invention, to incorporate an ejector into a door opener to support the ejection of the lock catch out of the lock catch counterpart (see paragraph [0006] of the present invention that "the force introduced when pushing the door closed or pulling it open is used through a force-distance conversion to press back a lock catch is spring-molded when electromechanical unlocking is carried out." Yet, this concept is not even rudimentarily disclosed in DE Fuss '334.

For at least the above reasons, claim 1 and its dependent claims are believed patentable over DE Fuss '334.

Turning now to the rejection in view of Fuss, US 4,838,591 (Fuss '591), the clamping bolt 9 is a nose that is positioned on the changer 8 (FIG. 1), see column 3, lines 8-11 and 34-37. The changer 8 engages the swing catch 4 via the clamping bolt 9. During an opening step, the changer 8 is pushed into the door opener housing due to the clamping bolt 9 that slides along the outside of the swing catch 4. Thus, the function of the clamping bolt 9 is solely to establish a mechanical linkage between the swing catch 4 and the changer 8. The active ejection of the lock catch via pushing it out of the lock catch counterpart during an opening step is also not disclosed in US Fuss '591. Accordingly, US Fuss '591 neither discloses an ejector nor a transmission element as recited in the present claim 1.

Applicants therefore contend that the features of claim 1 are new and with regard to DE Fuss '334 and US Fuss '591, and that the dependent claims are allowable at least for the foregoing reasons. The reference Vadacchino '835 used in the rejection of claim 14 is not believed to remedy the deficiencies contained above for claim 1.

In view of the amendments and of the above remarks, Applicants believe the pending application is in condition for allowance. It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. Thus, prompt and favorable consideration of this amendment is respectfully requested.

Should the Examiner believe that a telephone conference would be helpful in expediting prosecution of the application; the Examiner is invited to telephone the undersigned at 202-861-1696.

This response is filed with a Petition for Extension of Time, and the Commissioner is authorized to charge the extension fees to Deposit Account 50-2036. If there are any fee deficiencies or overpayments, the Commissioner is authorized to refund or charge Deposit Account No. 50-2036 with reference to Attorney Docket No. 87305.40.

Respectfully submitted,



Leo J. Jennings  
Reg. No. 32,902

Date: September 22, 2008  
Washington Square, Suite 1100  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036  
Phone: (202) 861-1500  
Fax: (202) 861-1783

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APPENDIX A – replacement drawings – 12 sheets.